

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN RUST, CHARLES J. PALMER,
PETER HOCHSTEIN, and STEVEN
HARPER,

Plaintiffs,

v.

FRANK GUNTER, Individually and as
Director of Correctional Services,
CHARLES BLACK, Individually and as
warden of Nebraska State Penitentiary,
CHARLES HOHENSTEIN, Individually
and as Legal Aid Coordinator, JOHN P.
SHAW, Individually and as Associate
Warden, Programs, TERENCE B.
CAMPBELL, Individually and as Legal Aid
Coordinator, JOHN T. EGGERS,
Individually and as Housing Unit Manager,
MARIO PEART, Individually and as Unit
Administrator, HAROLD W. CLARKE,
Individually and as Associate Warden,
Custody, GARY GRAMMER, Individually
and as Warden of the Nebraska State
Penitentiary, and FRED BRITTEN,

Defendants.

4:84CV712

MEMORANDUM AND ORDER ON
MOTION FOR ATTORNEY'S FEES FROM
THE FEDERAL PRACTICE FUND

Michael J. Wilson, attorney at law, was appointed by me on December 15, 2010, counsel for John L. Lotter “and all other inmates who constitute a class of persons serving a death penalty in the Tecumseh State Correctional Institution; and payment of litigation costs and attorney fees shall be paid from the Federal Practice Fund under the restrictions set out in the Amended Plans for Administration of the Federal Practice Fund and The Federal Practice Committee District of Nebraska (As Of July 15, 2008).” Edward G. Warin had earlier been appointed by my order of March 1, 2010, to represent Eric F. Vela and Jorge A. Galindo, and was relieved of his appointment on February 1, 2011, but was accepted to remain as advisory counsel to Michael Wilson “as may be

requested by Michael Wilson.” Matthew Enevach had also appeared with Edward G. Warin for Eric F. Vela and Jorge A. Galindo but was relieved of his representation, except insofar as Mr. Warin’s letter of January 17, 2011, appears to include Mr. Enevach as a volunteer advisory counsel to Michael Wilson, as may be requested by Michael Wilson. Mr. Wilson has now presented, but has not yet filed, a Motion for Attorneys Fees from the Federal Practice Fund, Index of Evidence in Support of Motion for Attorney’s Fees from the Federal Practice Fund, as well as Counsel’s Affidavit in Support of Motion for Attorney’s Fees from Federal Practice Fund.

I have examined in detail Counsel’s Affidavit in Support of Motion for Attorney’s Fees from Federal Practice Fund and find that it reasonably shows that Mr. Wilson accumulated 191.3 hours of service in representing the designated clients. Although he has said that he “took this case for the experience, not for the money, so I am flexible as to how much I request in attorney’s fees or if I request any attorney’s fees at all.” I deem it appropriate that he receive a reasonable fee for the 191.3 hours he has given in service.

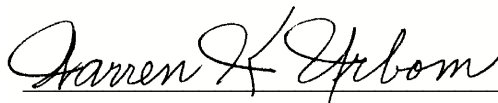
I conclude that this matter should now be referred to Chief Judge Smith Camp with my recommendation that Mr. Wilson be paid from the Federal Practice Fund a fee of \$100 per hour, totaling \$19,103.00.

IT IS ORDERED that filings shall be made as follows:

1. Motion for Attorney’s Fees from the Federal Practice Fund;
2. Index of Evidence in Support of Motion for Attorney’s Fees from the Federal Practice Fund;
3. Counsel’s Affidavit in Support of Motion for Attorney’s Fees from the Federal Practice Fund; and
4. the Motion for Attorney’s Fees from the Federal Practice Fund, as well as the Counsel’s Affidavit in Support of Motion for Attorney’s Fees from the Federal Practice Fund, is referred to Chief Judge Laurie Smith Camp.

Dated February 6, 2013.

BY THE COURT

A handwritten signature in cursive script, reading "Warren K. Urbom", written in black ink over a horizontal line.

Warren K. Urbom
United States Senior District Judge